

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:19-CV-115-KDB-DCK**

CHRISTINE ALDEN,

Plaintiff,

v.

**REBECCA JONES, Social Worker, Alleghany
County Dept. of Social Services; LEIA
CROUSE, Services Supervisor, Alleghany
County Dept. of Social Services; LISA
OSBORNE, Director, Alleghany County Dept.
of Social Services; ROBERT J. CRUMPTON,
Alleghany County District Court Judge,**

Defendants.

ORDER

THIS MATTER IS BEFORE THE COURT on “Defendant Alleghany County, Alleghany County Sheriff’s Office, and Alleghany County Department of Social Services’ Motion To Dismiss Complaint” (Document No. 6) filed October 21, 2019, and the “Motion To Dismiss On Behalf Of Defendant Robert Crumpton” (Document No. 16) filed November 21, 2019. These motions have been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motions, the record, and applicable authority, the undersigned will direct that the pending motion to dismiss be denied as moot.

STANDARD OF REVIEW

Federal Rule of Civil Procedure 15 applies to the amendment of pleadings and allows a party to amend once as a matter of course within 21 days after serving, or “if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21

days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed.R.Civ.P. 15(a)(1).

DISCUSSION

The Court will accept *pro se* Plaintiff’s “Amended Complaint” (Document No. 19) as timely filed pursuant to Fed.R.Civ.P. 15(a)(1)(B). The Amended Complaint supersedes the original Complaint. As such, the undersigned will direct that “Defendant Alleghany County, Alleghany County Sheriff’s Office, and Alleghany County Department of Social Services’ Motion To Dismiss Complaint” (Document No. 6) and the “Motion To Dismiss On Behalf Of Defendant Robert Crumpton” (Document No. 16) be denied as moot. Defendant(s) may file renewed motions to dismiss the Amended Complaint, if appropriate.

It is well settled that a timely-filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings may be denied as moot. Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001) (“The general rule ... is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect.”); see also, Fawzy v. Wauquiez Boats SNC, 873 F.3d 451, 455 (4th Cir. 2017) (“Because a properly filed amended complaint supersedes the original one and becomes the operative complaint in the case, it renders the original complaint ‘of no effect.’”); Colin v. Marconi Commerce Systems Employees’ Retirement Plan, 335 F.Supp.2d 590, 614 (M.D.N.C. 2004) (“Earlier motions made by Defendants were filed prior to and have been rendered moot by Plaintiffs’ filing of the Second Amended Complaint”); Brown v. Sikora and Associates, Inc., 311 Fed.Appx. 568, 572 (4th Cir. Apr. 16, 2008); and Atlantic Skanska, Inc. v. City of Charlotte, 3:07-CV-266-FDW, 2007 WL 3224985 at *4 (W.D.N.C. Oct. 30, 2007).

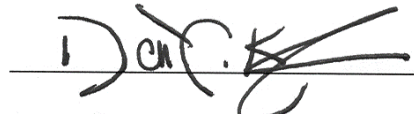
CONCLUSION

IT IS, THEREFORE, ORDERED that “Defendant Alleghany County, Alleghany County Sheriff’s Office, and Alleghany County Department of Social Services’ Motion To Dismiss Complaint” (Document No. 6) is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that the “Motion To Dismiss On Behalf Of Defendant Robert Crumpton” (Document No. 16) is **DENIED AS MOOT**.

SO ORDERED.

Signed: December 4, 2019



David C. Keesler
United States Magistrate Judge

